

**REMARKS**

In response to the restriction requirement set forth in the Office Action mailed August 13, 2009, Applicant hereby provisionally elects Group I, claims 1-14 for continued examination.

The Examiner has required restriction between the following:

- I. Claims 1-14, drawn to a process of making lithium composite oxide;
- II. Claim 15, drawn to a lithium composite oxide; and
- III. Claim 16, drawn to a battery comprising lithium composite oxide.

Applicant provisionally elects Group I without traverse, covering claims 1-14. If the Examiner determines that Applicant has presumed incorrectly as to which claims the Examiner intended to include in Group I, clarification is respectfully requested.

Claims 15-16 are currently withdrawn through a restriction requirement. Claims 1-14 are currently pending.

**CONCLUSION**

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4441 to arrange for such a conference. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2207, under Order No. 57620-8001.US01 from which the undersigned is authorized to draw.

Dated: September 11, 2009

Respectfully submitted,

By 

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